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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,591	04/14/2004	Sean Andre Rockarts	9-2993-518US	6217
32292	7590	06/15/2006	EXAMINER	
OGILVY RENAULT LLP (PWC) 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A 2Y3 CANADA			VERDIER, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/823,591	Applicant(s) ROCKARTS ET AL.	
	Examiner Christopher Verdier	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4-14-04, 9-7-05</u> . | 6) <input type="checkbox"/> Other: ____. |

Information Disclosure Statement

U.S. Patent 5,285,700 is crossed out on the Information Disclosure Statement (IDS) of September 7, 2005, because this reference was listed by Applicant on the IDS of April 14, 2004.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the standard screws having identical diameters but different lengths (claim 8), the standard fasteners having identical diameters and different lengths (claim 17), and the adhesive (claim 18) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to because in figure 1, "22" should point to the front opening and not the fan blade.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because in line 4, -- a -- should be inserted after "for". Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: Appropriate correction is required.

In paragraph 29, fourth to last line, "spaced" should be changed to -- space --.

Claim Objections

Claims 10-15 are objected to because of the following informalities: Appropriate correction is required.

In claim 10, line 9, -- at least one -- should be inserted after "the".

Claim 11 should end with a period.

In claim 13, line 5, -- one -- should be inserted after "least".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9, 13, and 16-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 4, there is insufficient antecedent basis for the limitation “the round plate” in the claim. In claim 1, line 6, “thereof” is indefinite because it is unclear which element this refers to (for example, the round plate or the shaft). In claim 2, line 3, “thereto” is indefinite because it is unclear if this refers to the plate or the mounting system. In claim 3, line 4, “therein” is indefinite because it is unclear which element this refers to. In claim 4, line 3, there is insufficient antecedent basis for the limitation “the nose cone” in the claim. In claim 6, lines 2-4, “a plurality of clinch nuts attached to the respective holes ... on a rear surface of the plate” is inaccurate, because only a single clinch nut 40 is attached to a respective hole 34 of the second group of holes, as disclosed in the specification, yet the claim recites that plural clinch nuts are attached to the respective holes of the second group. In claim 7, line 2, “thereof” is indefinite because it is unclear which element this refers to. In claim 8, line 2, “standard specification-sized screws” is unclear if this is meant to refer to the standard fastener in claim 1, or not. In claim 9, line 3, “therethrough” and “therebetween” are indefinite because it is unclear which elements these refer to. In claim 13, line 2, “the mounting points” is unclear if this is meant to refer to the attachment points in claim 11. In claim 16, line 3, “thereof” is indefinite because it is unclear which element this refers to. In claim 18, lines 3-5, “in the determined at least one position on the mounting plate” is unclear if this is meant to refer to the

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one hole determined during the observation step in claim 16, because neither claim 16 nor claims 17-18 provide antecedent basis for “at least one position” in claim 18, line 4.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 10-15 (as far as claims 1-5 and 13 are definite and understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Leone 3,990,814. Note the apparatus for balancing a shaft 26 of an aircraft engine 10 comprising a round plate 22 defining a first group of unnumbered holes (the upper holes) axially extending therethrough, the round plate being co-axially attached to the shaft at a forward end of the shaft, and at least one standard fastener 24 for selectively engaging at least one of the holes in the first group to thereby add a balancing weight to the plate. The plate further comprises a mounting system for mounting a nose cone 16, with the mounting system comprising a second group of unnumbered holes (the lower holes) axially extending through the plate for receiving mounting bolts 24. The plate comprises a position element (near the junction of 20 and 22) on a forward surface thereof for co-axially aligning a nose cone 16 with the shaft. The plate comprises a position element (unnumbered, adjacent 30) on a rear surface thereof for co-axially aligning the plate with the shaft. Concerning claims 10-15, note the apparatus for an aircraft engine 10, comprising a nose cone 16 of the aircraft engine,

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at least one balance weight element 24, a member 20 centrally mounted to a forward end of a rotatable shaft 26 of the aircraft engine, the member including a mounting apparatus (bolts 24 other than those encompassed by the at least one balance weight element 24) by which the nose cone is mounted to the member, and the member adapted to cooperate with the at least one balance weight element to retain the at least one weight element to the member to rotationally balance the shaft. The member includes a plurality of attachment points (unnumbered, near 22) and the respective at least one weight element and the attachment points are configured permit the at least one weight element to be retained to the member from a forward side of the member. The respective nose cone and the attachment points are configured to permit the nose cone to be mounted to the member from a forward side of the member and cover the at least balance weight element (note that the balance weight element 24 is partially covered, which is broadly considered to be covered). The member 20 comprises a first positioning element (the flange adjacent 30 on element 20) thereof to align the member with the shaft for the central mounting of the member to the shaft. The member comprises a second positioning element thereof (the flange 22) to co-axially align the nose cone with the member.

Claims 1-2, 4-5 and 10-15 (as far as claims 1-2, 4-5 and 13 are definite and understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Staats 1,878,907. Note the apparatus for balancing a shaft 13 of an aircraft engine 10 comprising a round plate 14 defining a first group of holes 30, 31 axially extending therethrough, the round plate being co-axially attached to the shaft at a forward end of the shaft, and at least one standard fastener 34 for selectively engaging at least one of the holes in the first group to thereby add a balancing weight to the plate.

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The plate further comprises a mounting system for mounting a nose cone 24/27/38, with the mounting system comprising bolt 36. The plate comprises a position element (unnumbered, near 15) on a forward surface thereof for co-axially aligning the nose cone with the shaft. The plate comprises a position element (unnumbered, the conical bore) on a rear surface thereof for co-axially aligning the plate with the shaft. Concerning claims 10-15, note the apparatus for an aircraft engine 10, comprising a nose cone 24/27/38 of the aircraft engine, a balance weight element 34, a member 14 centrally mounted to a forward end of a rotatable shaft 13 of the aircraft engine, the member including a mounting apparatus (bolt 36) by which the nose cone is mounted to the member, and the member adapted to cooperate with the balance weight element to retain the weight element to the member to rotationally balance the shaft. The member includes a plurality of attachment points 30, 31 and the weight element and the attachment points are configured permit the weight element to be retained to the member from a forward side of the member. The respective nose cone and the attachment points are configured to permit the nose cone to be mounted to the member from a forward side of the member and cover the balance weight element. The member 14 comprises a first positioning element (unnumbered, near 15) thereof to align the member with the shaft for the central mounting of the member to the shaft. The member comprises a second positioning element thereof (unnumbered, the conical bore) to co-axially align the nose cone with the member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 6-7, as far as they are definite and understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Leone 3,990,814 in view of Rosan 2,685,320. Leone discloses an apparatus substantially as claimed as set forth above, including a plate 22 with unnumbered holes of the second group, but does not disclose that the plate comprises a plurality of clinch nuts attached to the respective holes of the second group on a rear surface of the plate for engaging the respective mounting bolts (claim 6), and does not disclose that the plate comprises means on the rear surface thereof for restraining rotation of the respective clinch nuts (claim 7).

Rosan (figure 4) teaches that a plate 20a comprises a clinch nut 12a attached to a hole on a rear surface of the plate for engaging an unnumbered mounting bolt, with the plate comprising means (having a mirror image to the serrated element like 14 in figure 1 on the plate) on the rear

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surface thereof for restraining rotation of the clinch nut, for the purpose of providing for a secure manner of attachment of the nut and bolt to the plate.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to form the arrangement of Leone such that the plate comprises a plurality of clinch nuts attached to the respective holes of the second group on a rear surface of the plate for engaging the respective mounting bolts (claim 6), with the plate comprising means on the rear surface thereof for restraining rotation of the respective clinch nuts, as taught by Rosan, for the purpose of providing for a secure manner of attachment of the nuts and bolts to the plate. The recitation in claim 7, lines 1-2 of “means on the rear surface thereof for restraining rotation of the respective clinch nuts” invokes 35 USC 112, sixth paragraph. The clinch nut and means for restraining rotation of the clinch nut taught by Rosan is considered to be an equivalent, because it performs the identical function in substantially the same way and produces substantially the same result as the means disclosed by applicant.

Claim 8, as far as it is definite and understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Leone 3,990,814 in view of either (Osawa 5,033,923 or Nakanura 5,235,228). Leone discloses an apparatus substantially as claimed as set forth above, including standard specification-sized fasteners 24, but does not disclose that the standard specification-sized fasteners comprise a variety of standard screws having identical diameters but different lengths such that one of the screws with a selected length can be engaged in the at least one of the holes of the first group as the selected balance weight added to the plate.

Osawa (figures 1-4) shows a rotary member 1 provided with standard specification-sized fasteners 9, with the standard specification-sized fasteners comprising a variety of standard screws having identical diameters but different lengths such that one of the screws with a selected length can be engaged in at least one hole 8 of a group of holes, for the purpose of providing for selective balancing of the rotary member.

Nakanura (figures 1-5) shows a rotary member 22F/22R/24G provided with standard specification-sized fasteners 26, with the standard specification-sized fasteners comprising a variety of standard screws having identical diameters but different lengths such that one of the screws with a selected length can be engaged in at least one hole of a group of holes, for the purpose of providing for selective balancing of the rotary member.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to form the arrangement of Leone such that the standard specification-sized fasteners 24 comprise a variety of standard screws having identical diameters but different lengths such that one of the screws with a selected length can be engaged in the at least one of the holes of the first group as the selected balance weight added to the plate, as taught by either Osawa or Nakanura, for the purpose of providing for selective balancing.

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Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Williams is cited to show a fan with removable fasteners in the form of balance weights.

Wagner is cited as the US equivalent of EP 1,380,722, cited by applicant.

Holz is cited as the US equivalent of EP 153,887, cited by applicant.

Allowable Subject Matter

Claim 16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 9 and 17-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

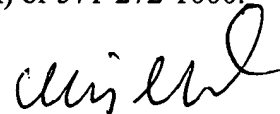
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.V.
June 5, 2006



Christopher Verdier
Primary Examiner
Art Unit 3745